

\*\*E-Filed 9/30/08\*\*

1 RICHARD DOYLE, City Attorney (#88625)  
 NORA FRIMANN, Chief Trial Attorney (#93249)  
 2 MICHAEL R. GROVES, Sr. Deputy City Attorney (#85620)  
 Office of the City Attorney  
 3 200 East Santa Clara Street  
 San Jose, California 95113-1905  
 4 Phone: (408) 535-1900  
 FAX: (408) 998-3131  
 5 Email: cao.main@sanjoseca.gov

6 Attorneys for Defendants,  
 CITY OF SAN JOSE, ROBERT DAVIS, OFFICER MATTHEW WILLIAMS #3751,  
 7 SERGEANT CARLTON SHEPPARD #3125, OFFICER JUAN HERNANDEZ #3898, and  
 OFFICER GERARDO RODRIGUEZ #3087

9 Anthony Boskovich, Esq.  
 Law Offices Of Anthony Boskovich  
 10 28 No. First Street, 6<sup>th</sup> Floor  
 San Jose, California 95113-1210  
 11 Phone: (408) 286-5150  
 FAX: (408) 286-5170  
 12 Email: policemisconduct@compuserve.com

13 Attorney for Plaintiff,  
 JERMAINE MONTIEL

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

18 JERMAINE MONTIEL,  
 19 Plaintiff,  
 20 vs.  
 21 OFFICER M. WILLIAMS, Badge No.  
 3751; SERGEANT C. SHEPPARD,  
 22 Badge No.. 3125; OFFICER  
 23 HERNANDEZ, Badge No.. 3898;  
 OFFICER RODRIGUEZ, Badge No..  
 24 3087; JOHN DOE and RICHARD ROE;  
 ROBERT DAVIS; CITY OF SAN JOSE,  
 25 Defendants.

CASE NO.: C07-05490 JF

**STIPULATION AND [PROPOSED]  
 ORDER CHANGING DATE OF CASE  
 MANAGEMENT CONFERENCE**

27 This case concerns a confrontation between Plaintiff and San Jose Police officers in  
 28 the Kaiser Santa Teresa Emergency Room on August 26, 2006. Due to the

1 uncooperativeness of Kaiser in producing potential percipient witness employees for  
2 deposition, despite subpoenas properly issued, the parties, by and through their attorneys of  
3 record, Michael R. Groves for Defendants and Anthony Boskovich for Plaintiff, hereby  
4 stipulate as follows:

5 1. The Settlement Conference in this matter before Magistrate Seeborg to be will  
6 be rescheduled to a date in December, 2008 in order to allow for further discovery which may  
7 aid in settlement.

8 2. In light of this, the parties hereby stipulate to move the Case Management  
9 Conference before the Honorable Jeremy Fogel from the currently scheduled date of  
10 September 26, 2008 to January 9, 2009 at 10:30 a.m.

12 Dated: September 25, 2008

\_\_\_\_\_  
/s/  
ANTHONY BOSKOVICH, ESQ.

Attorneys for Plaintiff,  
JERMAINE MONTIEL

16 Dated: September 25, 2008

RICHARD DOYLE, City Attorney

By: \_\_\_\_\_  
/s/  
MICHAEL R. GROVES  
Sr. Deputy City Attorney

Attorneys for Defendants,  
CITY OF SAN JOSE, ROBERT DAVIS,  
OFFICER MATTHEW WILLIAMS,  
SERGEANT CARLTON SHEPPARD,  
OFFICER JUAN HERNANDEZ, and  
OFFICER GERARDO RODRIGUEZ

24 //  
25 //  
26 //  
27 //  
28 //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ATTESTMENT OF CONCURRENCE PER GENERAL ORDER 45 FOR FILING:

I attest that concurrence in the filing of this document by the signatories, Michael Groves and Anthony Boskovich, has been obtained, and that a record of the concurrence shall be maintained at the Office of the City Attorney.

Date: September 25, 2008

By: \_\_\_\_\_ /s/ \_\_\_\_\_  
MICHAEL R. GROVES

Good Cause Appearing, IT IS SO ORDERED.

Date: 9/30/08

  
\_\_\_\_\_  
HONORABLE JEREMY FOGEL  
Judge of the United States District Court